



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
DARRELL V. MCGRAW, JR.  
CONSUMER PROTECTION DIVISION  
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# Press Release

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**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.  
FILES CONTEMPT PETITION AGAINST HEATING AND  
COOLING CONTRACTOR FOR VIOLATING COURT ORDER**

Attorney General Darrell V. McGraw, Jr. filed a petition in Mingo County Circuit Court today, asserting that a heating and cooling contractor has violated a court order that requires him to comply with an investigative subpoena McGraw's office had previously issued.

In 1998, McGraw's Consumer Protection Division started receiving complaints from West Virginia consumers alleging that Roger Toler, doing business as S & T Heating and Cooling, sold defective equipment to consumers, then failed to correct problems after being contacted for repairs. Complaints also alleged that Toler performed installations and repairs improperly, and caused health problems for homeowners. The Division began an investigation of Toler and issued a subpoena in October 2003.

Toler ignored the subpoena, and McGraw's office petitioned the Mingo County Circuit Court to order the contractor to hand over his business records. After a hearing, Circuit Judge Michael Thornsberry issued an Order requiring that Toler disclose all such materials to the Attorney General by April 25, 2004. As of today's filing, Toler has never supplied any of his records and has wholly ignored the Court's Order.

McGraw's petition asks the Court to find Toler in contempt of court, and to incarcerate him until such time as he complies with the Court's Order. The petition also requests attorney fees and other expenses associated with attempts by the Attorney General's Office to obtain compliance from Toler.

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